

The Government Code, §2002.058, authorizes the Secretary of State to remove or transfer rules within the Texas Administrative Code when the agency that promulgated the rules is abolished. The Secretary of State will publish notice of rule transfer or removal in this

section of the *Texas Register*. The effective date of a rule transfer is the date set by the legislature, not the date of publication of notice. Proposed or emergency rules are not subject to administrative transfer.

Department of Aging and Disability Services

Health and Human Services Commission

Rule Transfer

During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). Texas Government Code, §531.0202(b), specified the Department of Aging and Disability Services (DADS) be abolished September 1, 2017, after all its functions were transferred to HHSC in accordance with Texas Government Code, §531.0201 and §531.02011. The former DADS rule in Texas Administrative Code, Title 40, Part 1, Chapter 49, Contracting for Community Services is being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 52, Contracting for Community Services.

The rule will be transferred in the Texas Administrative Code effective April 29, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 49 TRD-202401166 Rule Transfer During the 84th Legislative Session, the Texas Legislature passed Senate Bill 200, addressing the reorganization of health and human services delivery in Texas. As a result, some agencies were abolished and their functions transferred to the Texas Health and Human Services Commission (HHSC). Texas Government Code, §531.0202(b), specified the Department of Aging and Disability Services (DADS) be abolished September 1, 2017, after all its functions were transferred to HHSC in accordance with Texas Government Code, §531.0201 and §531.02011. The former DADS rule in Texas Administrative Code, Title 40, Part 1, Chapter 49, Contracting for Community Services is being transferred to Texas Administrative Code, Title 26, Part 1, Chapter 52, Contracting for Community Services.

The rule will be transferred in the Texas Administrative Code effective April 29, 2024.

The following table outlines the rule transfer:

Figure: 40 TAC Chapter 49 TRD-202401172

Current Rules	Move to
Title 40. Social Services and Assistance	Title 26. Health and Human Services
Part 1. Department of Aging and Disability	Part 1. Texas Health and Human Services
Services	Commission
Chapter 49. Contracting for Community	Chapter 52. Contracting for Community
Services	Services
Subchapter A. Application and Definitions	Subchapter A. Application and Definitions
§49.101. Application.	§52.1. Application.
§49.102. Definitions.	§52.3. Definitions.
Subchapter B. Contractor Enrollment	Subchapter B. Contractor Enrollment
§49.201. Contractors Not Subject to Certain	§52.25. Contractors Not Subject to Certain
Portions of Subchapter B.	Portions of Subchapter B.
§49.202. Provisional Contract.	§52.27. Provisional Contract.
§49.203. Provisional Contract Application	§52.29. Provisional Contract Application
Process.	Process.
§49.204. Additional Provisional Contract	§52.31. Additional Provisional Contract
Application Requirements.	Application Requirements.
§49.205. License, Certification, Accreditation,	§52.33. License, Certification, Accreditation, and
and Other Requirements.	Other Requirements.
§49.206. Ineligibility Due to Criminal History.	§52.35. Ineligibility Due to Criminal History.
§49.207. Provisional Contract Application Denial.	§52.37. Provisional Contract Application Denial.
§49.208. Provisional Contract Application	§52.39. Provisional Contract Application
Approval.	Approval.
§49.209. Standard Contract.	§52.41. Standard Contract.
§49.210. Contractor Change of Ownership or	§52.43. Contractor Change of Ownership or Legal
Legal Entity.	Entity.
§49.211. Religious Organization Applicants.	§52.45. Religious Organization Applicants.
Subchapter C. Requirements of a Contractor	Subchapter C. Requirements of a Contractor
§49.301. Contractors Not Subject to Certain	§52.101. Contractors Not Subject to Certain
Portions of Subchapter C.	Portions of Subchapter C.
§49.302. General Requirements.	§52.103. General Requirements.
§49.303. Confidentiality of Information.	§52.105. Confidentiality of Information.
§49.304. Background Checks.	§52.107. Background Checks.
§49.305. Records.	§52.109. Records.
§49.306. Electronic Visit Verification System.	§52.111. Electronic Visit Verification System.
§49.307. Record Retention and Disposition.	§52.113. Record Retention and Disposition.
§49.308. Subcontracts.	§52.115. Subcontracts.
§49.309. Complaint Process.	§52.117. Complaint Process.
§49.310. Abuse, Neglect, and Exploitation	§52.119. Abuse, Neglect, and Exploitation
Allegations.	Allegations.
§49.311. Claims Payment.	§52.121. Claims Payment.
§49.312. Personal Attendants.	§52.123. Personal Attendants.
§49.313. Day Habilitation Requirements in the	§52.125. Day Habilitation Requirements in the
HCS Program, the TxHmL Program, and the	HCS Program, the TxHmL Program, and the
DBMD Program and Prevocational Services	DBMD Program and Prevocational Services
Requirements in the CLASS Program.	Requirements in the CLASS Program.
Subchapter D. Monitoring and Investigation of	Subchapter D. Monitoring and Investigation of
a Contractor	a Contractor

§49.401. Contractors Not Subject to Subchapter §52.201. Contractors Not Subject to Subchapter Division 2. Monitoring and Investigation Division 2. Monitoring and Investigation §49.413. Investigation. §52.213. Investigation. §49.414. Financial Review. §52.215. Financial Review. Subchapter E. Enforcement by HHSC, Subchapter E. Enforcement by HHSC, Termination by Contractor, and No Offer of Standard Contract by HHSC Standard Contract by HHSC Subchapter E. Enforcement by HHSC, Portions of Subchapter E. Portions of Subchapter Sty 521. Contractors Not Subject to Certain Portions of Subchapter Sty 521. Contractors Not Subject Not Subject to Certain Sty 2.271. Contractors Not Subject Not Subjec	Division 1. Applicability of Subchapter	Division 1. Applicability of Subchapter
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